

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

LOWELL SMITH, JR.

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security

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NO. 2:09-CV-299

**ORDER**

This Social Security matter is before the Court to consider the Report and Recommendation of the United States Magistrate Judge dated January 14, 2011. In that Report and Recommendation, the Magistrate Judge recommends that the plaintiff's motion for summary judgment, [Doc. 7], be denied, and defendant's motion for summary judgment, [Doc. 11], be granted. The plaintiff has filed objections to this recommendation, [Doc. 14]. After careful consideration of the record as a whole, including the Administrative Transcript, and after careful and *de novo* consideration of the Report and Recommendation of the United States Magistrate Judge, and for the reasons set out in that Report and Recommendation which are incorporated by reference herein, it is hereby **ORDERED** that the

plaintiff's objections are **OVERRULED**, that this Report and Recommendation is **ADOPTED** and **APPROVED**, [Doc. 13], that the plaintiff's motion for summary judgment, [Doc. 7], is **DENIED**, and that defendant's motion for summary judgment, [Doc. 11], is **GRANTED**.

E N T E R:

s/J. RONNIE GREER  
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT  
s/ Patricia L. McNutt  
CLERK OF COURT